# Summary of Proposed Ordinance Relating to Zoning, Site Alteration and Critical Areas

This summary applies to the proposed Critical Areas Ordinance dated December 10, 2002, and fulfills the state Growth Management Act and King County Code 20.18.100 requirement for a "plain language" summary.

Some of these changes were included in proposed ordinances that were transmitted to the King County Council but not adopted. These items are noted using the following abbreviations:

> SAO: The proposed amendments to the Sensitive Areas Ordinance, King County Code (K.C.C.) chapter 21A.24 pending at council (Proposed Ordinance 1999-0353).
>
> SALT: The proposed Site Alteration Code pending at council (Proposed Ordinance 2000-0525). This is a proposed update to the Clearing and Grading Code.

## Amendments to K.C.C. chapter 21A.06, "Technical Terms and Land Use Definitions"

**Section 1 –** Administrative section to transfer the definition of alteration.

**Section 2 –** Airblast. (*new*) An airborne shock wave, whether audible or not, resulting from the detonation of explosives caused by burden movement or the release of expanding gas. [SALT 10]

**Section 3 –** Administrative section.

**Section 4 –** Alteration. (*K.C.C. 21A.24.190*) Revisions include:

- References to sensitive areas are revised to refer to critical areas to be consistent with the terminology in the Growth Management Act.
- Changes to a critical area buffer are considered alterations, as well as changes to the critical area itself.
- "Draining" is removed from the list of activities that are considered alterations.
- Fish and fish habitat has been added to the list of resources that can be affected by alterations.

**Section 5 –** Anadromous fish habitat. (*new*) Streams and habitats used by species of salmonids that spend portions of their life history in both marine and fresh waters.

**Section 6 –** Applicant. (K.C.C. 21A.06.070) Revised to update reference to state law. [SAO 12]

**Section 7 –** Aquatic area. (*new*) Any water feature including all shorelines of the state, rivers, streams, marine, lakes, ponds, reservoirs, and conveyance systems and impoundment of these features if any portion of such features or flows are formed from a stream or a wetland and if any stream or wetland contributing flows is not solely the result of stormwater pond construction. Does not include water features that are entirely artificially collected or

conveyed storm or wastewater systems or entirely artificial channels, ponds, pools or other similar constructed water features.

**Section 8** – Bank stabilization. (*new*) An action taken to resist the erosion of materials from the banks of rivers and streams. Typical methods of bank stabilization include various combinations of diverse structural elements such as placement of large woody debris, rounded or angular rock, soil, geotextile fabric, and planting of native woody vegetation.

**Section 9 –** Base flood elevation. (*K.C.C. 21A.06.085*) Revised to allow use of the effective Flood Insurance Rate Map published by the Federal Emergency Management Agency (FEMA).

**Section 10 –** Bench. (*new*) A relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes. [SALT 12]

**Section 11 –** Berm. (*K.C.C. 21A.06.097*) Revised from current definition. A mound or raised area used for the purpose of screening a site. [SALT 13]

**Section 12 –** Bioengineering. (*new*) The use of vegetation and other natural materials such as soil, wood and rock to stabilize soil typically against slides and stream flow erosion. When natural materials alone do not possess the needed strength to resist hydraulic and gravitational forces, bioengineering may consist of the use of natural materials integrated with man-made fabrics and connecting materials in order to create a complex matrix that joins with in-place native materials to provide erosion control. Common techniques used in bioengineering include the use of wattles, brush layering, vegetated geogrid, tree revetment and live staking.

**Section 13** – Biologist. (*K.C.C. 21A.06.110*) Revised to require, in addition to a degree, a minimum of four years of relevant work experience in the field of biology (or equivalent training and experience).

**Section 14** – Bog. (*new*) A wetland that has no significant inflows or outflows and supports acidophilic mosses, particularly sphagnum. [SAO 14]

**Section 15 –** Buffer. (*K.C.C. 21A.06.122*) Revised to allow buffers to be defined for all types of critical areas.

**Section 16 –** Cave. (*new*) A cavity, recess, void, or system of interconnected passages, including associated dendritic tubes, cracks and fissures, that occurs under the earth in soils, rock, ice or other geological formations, and is large enough to contain an adult human. A mine shaft might mimic a cave, and an abandoned mine shaft with an actual or suspected occurrence of a priority species should be regulated in a manner similar to caves.

**Section 17** – Channel. (*new*) A feature that contains and was formed by periodically or continuously flowing water.

**Section 18** – Channel edge. (*new*) The outer edge of the water's bankfull width or, where applicable, the outer edge of the associated channel migration zone.

**Section 19** – Channel migration hazard area, moderate. (*new*) A portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, that lies between

the severe channel migration hazard area and the outer boundaries of the channel migration zone.

**Section 20** – Channel migration hazard area, severe. (*new*) A portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, that includes the present channel. The total width of the severe channel migration hazard area equals one hundred years times the average annual channel migration rate, plus the present channel width. The average annual channel migration rate shall be as determined in the technical report that is the basis for each Channel Migration Zone map.

**Section 21 –** Channel migration zone. (*K.C.C. 21A.06.182*) This term, previously called "channel relocation and stream meander areas," is changed. Revisions include referencing King County's Channel Migration Zone maps as an authority on the location of channel migration zones. A channel migration zone does not include those areas that lie behind an arterial road, a public road serving as a sole access route, a regional transportation corridor, or a lawfully established flood hazard reduction facility that is likely to be protected from future bank erosion due to existing programs for public maintenance. When a natural geologic feature will affect channel migration, the channel migration zone width shall be modified to consider such natural constraints.

**Section 22 –** Clearing. (*K.C.C. 21A.06.195*) Clarifies the activities that constitute clearing and incorporates the definition of cutting into this definition. [SALT 15]

**Section 23 –** Clearing and grading permit. (*new*) The permit required by this title for either clearing activities or grading activities, or both, including, but not limited to, standard and programmatic permits. [SALT 16]

**Section 24 –** Cliff. (*new*) A slope exceeding 25 feet in height and 65 degrees or greater in average grade that occurs below 5,000-feet elevation above sea level.

**Section 25 –** Coal mine by-products stockpile. (*K.C.C. 21A.06.197*) The definition is changed to capture additional stockpiles that represent potential hazard from decomposition of remnant coal. [SAO 17]

**Section 26 –** Coal mine hazard areas. (*K.C.C. 21A.06.200*) The coal mine hazard classifications are removed from this definition and have been placed in a new classification section. [SAO 16]

**Section 27** – Compaction. (*new*) The densification of a fill or the natural soil column by mechanical means. [SALT 17]

**Section 28** – Conserve and conservation. (new) To use, and the use of, all methods and procedures which are available to protect the abundance and distribution of, and to promote the recovery of, biota and the ecosystems upon which they depend.

**Section 29 –** Administrative section to recodify K.C.C. 20.70.010 as a new section in this chapter.

**Section 30** – Critical aquifer recharge area. (*K.C.C. 20.70.010*) Technical changes.

**Section 31 –** Critical area. (*new*) Any of those areas in King County that are subject to natural hazards or those land features that support unique, fragile or valuable natural resources including fish, wildlife or other organisms or their habitats or such resources that carry, hold or purify water in their natural state. "Critical area" includes the following areas:

- Coal mine hazard area
- Erosion hazard area
- Flood hazard area
- Landslide hazard area
- Seismic hazard area
- Steep slope hazard area
- Volcanic hazard area
- Aquatic area
- Wetlands
- Fish and wildlife habitat conservation area.

**Section 32** – Critical facility. (*K.C.C. 21A.06.260*) Revised to clarify reference to Uniform Building Code and to broaden the scope of facilities covered by the definition. [SAO 19]

**Section 33** – Department. (*K.C.C. 21A.06.280*) The King County department of development and environmental services or its successor agency. [SALT 20]

**Section 34 –** Depth of cut. (*new*) The vertical distance measured from the top of the excavation to the toe of the excavation. [SALT 21]

**Section 35 –** Depth of fill. (*new*) The vertical distance measured from the top of the embankment to the toe of the embankment or from the top of the final grade to the lowest point of the pre-activity grade, as appropriate. [SALT 22]

**Section 36 –** Ditch. (*new*) An artificial open channel used or constructed for the purpose of conveying water. [SAO 20]

**Section 37 –** Drainage basin. (*new*) A drainage area that drains to the Cedar, Green, Snoqualmie, Skykomish or White river, Lake Washington or other drainage area that drains directly to Puget Sound. [SAO 21]

**Section 38 –** Drainage facility. (*new*) A feature, constructed or engineered for the primary purpose of providing drainage, that collects, conveys, stores or treats surface water. A drainage facility may include, but is not limited to, a stream, pipeline, channel, ditch, gutter, lake, wetland, closed depression, flow control or water quality treatment facility and erosion and sediment control facility.

**Section 39 –** Drainage subbasin. (*new*) A drainage area identified as a drainage subbasin in a county-approved basin plan or, if not identified, a drainage area that drains to a waterbody that is named and mapped and contained within a drainage basin. [SAO 23]

**Section 40 –** Effective impervious surface. (*new*) All impervious surface area on a development site except those portions that meet one of the following conditions:

- The impervious surface runoff is fully dispersed using the county's full dispersion Best Management Practices;

- The impervious surface runoff is fully infiltrated according to the infiltration standards in the county's Surface Water Design Manual; or
- The impervious surface runoff is managed in an alternative way approved by the county that effectively mitigates all of the hydrologic effects of the impervious surface which effects are increased runoff peaks, frequencies, volumes and flashiness and decreased groundwater recharge; and

Impervious surface area that does not meet one condition listed above is considered to be effective impervious area at the "site scale" as opposed to a "watershed scale," even if its runoff flows over pervious area before reaching the local drainage system or flows through an onsite stormwater detention facility.

**Section 41 –** Emergency. (*K.C.C. 21A.06.392*) Revised to narrow the definition to unanticipated occurrences, and to broaden the risks that define an emergency to include personal injury or death. [SAO 24]

**Section 42 –** Emergency action. (*new*) An action taken in direct response to and to avoid, prevent or protect against the risks or dangers of an emergency and that must be undertaken immediately or within a time too short to allow full compliance with this title. [SAO 25]

**Section 43 –** Engineer, civil, geotechnical and structural. (*new*) This definition is added to clarify the professional experience necessary for various types of engineers. Geotechnical engineer is defined in the current code; that definition is moved to this section with only technical changes. The other two definitions are new. [SAO 26]

**Section 44** – Enhancement. (*K.C.C. 21A.06.400*) The changes to this definition are technical.

**Section 45** – Erosion. (*K.C.C. 21A.06.410*) The wearing away of the ground surface as the result of the movement of wind, water and ice. [SALT 32]

**Section 46** – Erosion and sediment control standards. (*new*) The document describing the erosion and sediment control planning and design requirements, procedures and guidance that has formally been adopted by rule under procedures specified in K.C.C. chapter 2.98. This new section also lists where the document may be obtained. [SALT 33]

**Section 47** – Erosion hazard area. (*K.C.C. 21A.06.415*) The existing definition of erosion hazard area, which lists specific soil types, is expanded to specifically include soils that represent significant risk to sensitive downstream receiving waters due to proximity to those receiving waters and the size of the disturbed area. [SAO 28]

**Section 48** – Estuary. (*new*) The deepwater tidal area and adjacent tidal wetland, usually semi-enclosed by land but with open, partly obstructed or sporadic access to open marine waters, and in which marine waters are at least occasionally diluted by freshwater runoff from the land. An estuary extends upstream and landward to where ocean-derived salts measure one-half percent during the period of average annual flow.

**Section 49** – Excavation. (*new*) The removal of any rock, natural soil, organic material, fill or any combination thereof. [SALT 34]

**Section 50** – Existing, maintained, improved road right-of-way or railroad prism. (*new*) The maintained areas cleared and graded within a road right-of-way or railroad prism. For a road right-of-way, this includes all maintained and traveled areas, shoulders, pathways, sidewalks,

drainage ditches and cut and fill slopes. For a railroad prism, this includes the maintained railbed and shoulders, which are fill slopes. For the purpose of this definition, "maintained" means the road right-of-way or railroad prism is maintained at least once every five years.

**Section 51** – Expansion. (*new*) The act or process of increasing the size, quantity or scope of something, or the product of expanding something. An expansion may include a change in use of a structure, facility or equipment beyond what previously existed.

**Section 52** – Federal Emergency Management Agency. (*new*) The independent federal agency that, among other responsibilities, oversees the administration of the National Flood Insurance Program.

**Section 53** – FEMA. (*new*) The Federal Emergency Management Agency.

**Section 54** – FEMA floodway. (*K.C.C. 21A.06.455*) Technical changes. [SAO 29]

**Section 55** – Fen. (*new*) A wetland that receives some drainage from surrounding mineral soil and usually supports marsh-like vegetation. [SAO 30]

**Section 56** – Fill. (*new*) A deposit of any rock; natural soil; organic material; recycled or waste materials made of nonnoxious, nonflammable, noncombustible and nonputrescible solids; or any combination thereof, placed by mechanical means. [SALT 35]

**Section 57** – Fish and wildlife habitat conservation area. (*new*) Any of the following habitat areas:

- Habitat for federal or state listed endangered, threatened, or sensitive species;
- Habitat for salmonids of local importance;
- Habitat for raptors and herons of local importance;
- Commercial and recreation shellfish areas;
- Kelp and eelgrass beds;
- Herring, sand lance and smelt spawning areas;
- Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide habitat for fish or wildlife;
- Wildlife habitat networks designated by King County;
- Aquatic areas, including riparian corridors; and
- Habitat for candidate species, as listed by the Washington Department of Fish and Wildlife, found outside the area designated urban in the King County comprehensive plan.

This new definition is consistent with the Growth Management Act.

**Section 58 –** Flood fringe, zero-rise. (*K.C.C. 21A.06.470*) The only changes are minor technical changes.

**Section 59 –** Flood hazard area. (*K.C.C. 21A.06.475*) The changes to this definition are technical. The reference to "channel relocation or stream meander" is updated to "channel migration." [SAO 31]

**Section 60 –** Flood hazard boundary map. (*new*) The initial insurance map issued by FEMA that identifies, based on approximate analyses, the areas of the one percent annual chance, 100-year, flood hazard within a community.

**Section 61 –** Flood Insurance Rate Map. (*K.C.C. 21A.06.480*) The reference to "Federal Insurance Administration" is updated to "Federal Emergency Management Agency."

**Section 62 –** Flood Insurance Study for King County. (*K.C.C. 21A.06.485*) Minor technical changes. The reference to "Federal Insurance Administration" is updated to "Federal Insurance and Mitigation Administration."

**Section 63** – Flood protection elevation. (*K.C.C. 21A.06.490*) Minor technical changes.

**Section 64** – Flood protection facility. (*new*) A structure that provides significant protection from flood damage. Flood protection facility includes, but is not limited to, the following structures and supporting infrastructure:

- Dams or water diversions, regardless of primary purpose, if the facility provides flood protection benefits;
- Flood containment facilities such as levees, dikes, berms, walls, raised banks, including pump stations and other supporting structures; and
- Bank stabilization structures, often called revetments.

**Section 65** – Floodproofing, dry. (*K.C.C. 21A.06.500*) The changes to this definition are technical.

**Section 66** – Floodway, zero-rise. (*Ordinance 10870, Section 141, and K.C.C. 21A.06.505*) Zero-rise is clarified to mean a measurable increase in the base flood elevation directly attributable to alterations of the topography or placement of obstructions. The existing definition lists generic development as the cause of an increase in the base flood elevation. The reference to "Flood Insurance Study" is updated to "FEMA maps or flood hazard boundary maps adopted by King County." The remaining changes are technical. [SAO 32]

**Section 67** – Flyrock. (*new*) Rock that is propelled through the air by the detonation of explosives. [SALT 36]

**Section 68** – Forest, mature. (*new*) A stand of trees, not meeting the definition of old growth forest, with average tree diameters exceeding 21 inches diameter at breast height. The crown cover may be less that 100 percent. Decay, decadence, numbers of snags, and quantity of downed material is generally less than that found in old-growth forest. The trees are up to 200 years old.

**Section 69** – Forest, old-growth. (*new*) A stand of trees with trees at least 180 years old or greater and more than 32 inches diameter at breast height. Generally old-growth forest contains moderate to high canopy closure and includes a multi-layered, multi-species canopy dominated by large overstory trees. There is a high incidence of large trees, some with broken tops and other indications of old and decaying wood. There are often numerous large snags and heavy accumulations of wood, including large logs, on the ground.

**Section 70** – Forest practice. (*K.C.C. 21A.06.520*) Revised to update reference to Revised Code of Washington. The following are removed from the definition: fire prevention,

detection, and suppression, and slash burning or removal. The definition focuses on timber growing, harvesting and processing, and includes:

- Road and trail construction;
- Final and intermediate harvesting;
- Pre-commercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees;
- Brush control; and
- Planting.

The following are not considered to be forest practices:

- preparatory work such as tree marking, surveying and road flagging; and
- removal or harvesting of incidental vegetation (berries, ferns, greenery, mistletoe, herbs, mushrooms, etc.) from forest lands that cannot normally be expected to result in damage to forest soils, timber or public resources.

**Section 71** – Geologist. (*K.C.C. 21A.06.545*) The current definition requires four years of professional experience. In the new definition, professional experience is clarified to be in the fields of geology, geomorphology or engineering geology. [SAO 34]

**Section 72**– Geotechnical engineer. (K.C.C. 21A.06.550) The definition of "geotechnical engineer" is repealed. Geotechnical engineer is now defined in section 16, "Engineer, civil, geotechnical and structural." [SAO 35]

**Section 73 –** Grade. (*new*) The elevation of the ground surface. Further, "existing grade" is defined as the grade prior to grading, "rough grade" is the grade that approximately conforms to the approved plan, and "finish grade" is the grade that conforms to the approved plan. [SALT 39]

**Section 74 –** Ground motion. (*new*) A shaking of the ground caused by the elastic wave emanating from a blast or seismic event. [SALT 41]

**Section 75 –** Habitat. (*new*) The locality, site, and particular type of environment occupied by an organism at any stage in its life cycle.

**Section 76 –** Habitat, fish. (*new*) Habitat that is used by fish at any life stage at any time of the year including potential habitat likely to be used by fish. This includes habitat that is upstream of, or landward of, human-made barriers that could be accessible to, and could be used by, fish upon removal of the barriers. This includes off-channel habitat, flood refuges, tidal flats, tidal channels, streams and wetlands.

**Section 77 –** Habitat, open. (*new*) Habitat that is not occupied by forest or shrub-scrub vegetation.

**Section 78 –** Habitat corridor. (*new*) A contiguous connection between critical areas consisting of native shrub or forest habitats that allows for uninhibited migration of most wildlife species.

**Section 79 –** Habitat evaluation. (*new*) Type of critical area special study for determining the abundance and quality of habitat features for a species or other taxonomic group or functional group such as a guild.

**Section 80** – Herbicide. (*new*) Any chemical, organism or product used to kill, repel or otherwise control unwanted vegetation. Herbicide is a type of pesticide. [SALT 43]

**Section 81** – Hydrologically connected. (*new*) A connection between two or more water bodies including, but not limited to, wetlands, streams or lakes, as evidenced by either the presence of surface water in a stream above ground (including in a culvert), the presence of contiguous hydric soil, or the location of a water body within or contiguous to a 100-year floodplain of a wetland, stream or lake.

**Section 82** – Hydrologically mature vegetation. (*new*) A developmental stage of a forest or another vegetation community at which the rainfall and runoff pattern is similar to that of an undisturbed forest or other vegetation community.

**Section 83** – Impervious surface. (*K.C.C. 21A.06.625*) Revised to no longer exclude access easements from the definition. The remaining changes to this section are technical. [SALT 44]

**Section 84** – Impoundment. (*new*) A body of water collected in, or as if in, a reservoir, pond or dam or collected as a consequence of natural disturbance events.

**Section 85** – Improved area. (*new*) An area that has been disturbed or altered in accordance with law by mechanical or other human means and is actively maintained to no longer exist in its natural vegetative state. An improved area may include, but is not limited to, an area cleared, graded, planted as lawn, constructed upon or otherwise developed. [SALT 45]

**Section 86** – Inherent site potential. (*new*) The potential that a site has for contributing to the ecological functions that are necessary for salmonid conservation, this potential being based on the natural, pre-development characteristics of the site.

**Section 87** – Instream structure. (*new*) Anything placed or constructed below the ordinary high water mark, including, but not limited to weirs, culverts, fill and natural materials, but not including dikes, levees, revetments or other bank stabilization facilities.

**Section 88** – Interim recycling facility. (*K.C.C. 21A.06.640*) Revised to remove source separated, organic waste processing facilities from the list of facilities which are considered interim recycling facilities. These facilities are now covered under the definition of processing operation in section 106. [SALT 129]

**Section 89** – Lake. (*new*) An aquatic area consisting of an inland body of water 20 acres or greater in size at seasonal low water.

**Section 90** – Landslide hazard area. (*K.C.C. 21A.06.680*) This definition is expanded to regulate moderate, as well as severe, landslide hazards. [SAO 42]

**Section 91** – Maintenance. (*new*) Those usual acts to prevent a decline, lapse or cessation from a lawfully established condition without any expansion of or significant change from that originally established condition. Activities within landscaped areas within areas subject

to native vegetation retention requirements may be considered maintenance only if they maintain or enhance the canopy and understory cover. For the purposes of this section, "maintenance" does not include repair and replacement work. When maintenance is conducted specifically in accordance with the Regional Road Maintenance Guidelines, the definition of "maintenance" in the glossary to those guidelines supersedes this definition.

**Section 92** – Maximum extent practicable. (*new*) The highest level of effectiveness that can be achieved through the use of best available science or technology. In determining what is the maximum extent practicable, the department shall consider, at a minimum, the effectiveness, engineering feasibility, commercial availability, safety and the cost of the measures.

**Section 93** – Mine. (*new*) A human-made excavation in the earth usually used to extract minerals.

**Section 94** – Mitigation. (*K.C.C. 21A.06.750*) Revised to simplify the list of actions that are considered mitigation. The last, and therefore least desirable, action listed in the existing section (namely, monitoring the impact and taking appropriate corrective measures) is removed. The reference to a descending order of preference is removed.

**Section 95** – Mitigation bank. (*K.C.C. 21A.06.751*) The changes to this section are technical.

**Section 96** – Native vegetation. (*K.C.C. 21A.06.790*) The definition is changed to (1) eliminate reference to noxious weeds and (2) changing "Pacific Northwest coastal region" to "Puget Sound region." [SALT 48]

**Section 97** – Net buildable area. (*K.C.C. 21A.06.797*) The changes to this section are technical. [SAO 45]

**Section 98** – Noxious weed. (*K.C.C. 21A.06.815*) Clarifies the reference to the state noxious weed list, by expanding the definition to any listed plant, regardless of the list's regional designation or classification. [SALT 49]

**Section 99** – Ordinary high water mark. (*K.C.C. 21A.06.825*) Revised to use the mean higher high tide in areas adjoining salt water where the ordinary high water mark cannot be found. The existing definition had not distinguished between fresh and salt water. Another revision applies this definition to ponds (defined in new section 102).

**Section 100** – Patch. (*new*) A relatively homogenous nonlinear area of vegetative cover or development that differs from its surroundings.

**Section 101** – Pesticide. (*new*) Any herbicide, insecticide, fungicide, rodenticide or any other chemical used to kill, repel or otherwise control unwanted organisms. [SALT 51]

**Section 102** – Pond. (*new*) An aquatic area consisting of an inland body of open water that is less than 20 acres at seasonal low water, including beaver ponds and tarns.

**Section 103** – Primary association. (*new*) A positive relationship that is strong and predictable between a species and a habitat that reflects dependence by the species on the habitat.

**Section 104** – Priority area. (*new*) An area that is one or more of the following:

- An *artificial nesting feature,* which is a human-made feature used for nesting such as a nest box or platform;
- A *breeding area,* which is the area necessary to support reproduction and the rearing of young and includes a breeding site and adjacent foraging habitat and may include a disturbance buffer;
- A *breeding site,* which is the immediate area and features associated with producing and rearing young, such as a nest tree, den or redd. Typically a breeding site is a point location;
- A *communal roost,* which is a habitat feature, such as a tree, cave or cliff that is regularly or traditionally used by species of wildlife for resting or hibernating;
- A *foraging area,* which is a feeding area that is regularly used by fish or wildlife;
- A *hacking site,* which is a location where juvenile diurnal raptors, which are usually bred in captivity, are released to acclimate them to the wild;
- A *haulout,* which is a land area where marine mammals regularly rest;
- A *migration corridor,* which is an area or route regularly or traditionally used by fish and wildlife to travel between seasonal habitats;
- A *movement corridor,* which is a route used by fish and wildlife to move between areas and habitats for the purposes of foraging, breeding, resting, roosting and perching;
- A *regular concentration area,* which is an area that is commonly or traditionally used by one or more groups of a species of fish or wildlife on a seasonal or year-round basis, such as a core area, staging area or stopover sites;
- A *regularly used perch,* which is a habitat feature, such as a tree or cliffs, that is regularly or traditionally used by birds for perching; and
- A *rookery,* which is a communal breeding and rearing area for birds and marine mammals.

**Section 105** – This repeals the phrase "private stormwater management facility." *(K.C.C. 21A.06.905)* [SAO 47]

**Section 106** – Processing operation. (*new*) A site or establishment, not accessory to mineral extraction or sawmill use, primarily engaged in crushing, grinding, pulverizing or otherwise preparing earth materials, vegetation, organic waste, construction and demolition materials or recycled and source-separated nonhazardous waste materials and that is not the final disposal site. [SALT 130]

**Section 107** – Raptors and herons of local importance. (*new*) Red-tailed hawk; osprey; black-crowned night heron and great-blue heron.

**Section 108** – Reclamation. (*new*) The final grading and restoration of a site to reestablish on a perpetual basis the vegetative cover, soil, surface water and groundwater conditions appropriate to accommodate and sustain all permitted uses of the proposed zone appropriate for the site. [SALT 52]

**Section 109** – Rectification. (*new*) An action that repairs an alteration to a critical area or buffer. [SAO 48]

**Section 110** – Regional stormwater management facility. (*K.C.C. 21A.06.975*) Only a minor technical change was made. [SAO 49 repeals this section; SALT 9 retains it]

**Section 111** – Repair. (*new*) To fix or restore to sound condition after damage. "Repair" includes those usual activities taken to prevent a decline, lapse or cessation in the use of structures and systems.

**Section 112** – Replace. (*new*) To take or fill the place of something with an equivalent or substitute thing that serves the same purpose. The replacement of an existing structure or system may or may not involve an expansion.

**Section 113** – Reservoir. (*new*) An artificially confined body of water created to store water for consumption, power generation, irrigation or other purposes.

**Section 114** – Restoration. (*K.C.C. 21A.06.1000*) These changes are technical, clarifying that the definition applies only to critical area and making the definition parallel in format to other similar definitions. [SAO 50]

**Section 115** – Riparian corridor. (*new*) The riparian zones along both sides of a stream.

**Section 116** – Roadway. (*new*) The pavement width or proper driving portion of the road and shoulders within the outside limits of the constructed fill slopes. The roadway is only one of the improved portions within the road right-of-way, which also may include the roadside ditch and cut or engineered slope. [SALT 53]

**Section 117** – Salmonid. (*K.C.C. 21A.06.1015*) Technical changes to update the list of fish included in this family. Modifies or adds the following fish names: coho or silver salmon, cutthroat salmon (also known as trout), bull trout (also known as char), and pygmy whitefish.

**Section 118** – Salmonids of local importance. (*new*) Kokanee, sockeye, red salmon, chum salmon, coho or silver salmon, pink salmon, coastal resident or searun cutthroat, rainbow trout, steelhead, bull trout, Dolly Varden char and pygmy whitefish.

**Section 119** – Seasonal low water. (*new*) The lowest surface water elevation in a lake, stream, river, pond, impoundment or wetland experienced during a year of normal rainfall. For the purpose of this definition "normal rainfall" means rainfall that is at or near the mean of the accumulated annual rainfall record, based upon the water year for King County as recorded by the Seattle-Tacoma International Airport.

**Section 120** – Seismic hazard area. (*K.C.C. 21A.06.1045*) These changes are technical, making the definition parallel to other similar definitions. [SAO 52]

**Section 121** – Sensitive areas. (*K.C.C. 21A.06.1065*) Revised to refer to the new definition of critical areas.

**Section 122** – Shoreline. (*new*) Those lands defined as shorelines in the state Shorelines Management Act of 1971. [SALT 54]

**Section 123** – Shoreline, consolidated. (*new*) Intertidal and subtidal zones of beaches, with outcroppings of rocks greater than 10 inches in diameter, that may also include the back-shore and adjacent components of the terrestrial landscapes that are important to shoreline associated fish and wildlife and that contributes to shoreline functions.

**Section 124** – Shoreline, marine or estuarine. (*new*) Includes the intertidal and subtidal zones of beaches, and may also include the backshore and adjacent components of the terrestrial landscape, such as cliffs, snags, mature tress, dunes, meadows, banks or bluffs that are important to shoreline-associated fish and wildlife and that contribute to shoreline function, such as sand, rock or log recruitment, nutrient contribution or erosion control.

**Section 125** – Shoreline, unconsolidated. (*new*) Intertidal and subtidal zones of beaches, with outcroppings of rocks less than 10 inches in diameter, gravel, shell, sand or mud, that may also include the back-shore and adjacent components of the terrestrial landscapes that are important to shoreline associated fish and wildlife and that contributes to shoreline functions.

**Section 126** – Side channel. (*new*) A channel that is secondary to but carries water to or from the main channel of a stream or the main body of a lake or estuary, including back-watered channels or areas and oxbow channels that are still connected to a stream by one or more above-ground channel connections or by inundation at the base flood.

**Section 127** – Site area. (*K.C.C. 21A.06.1172*) The changes to this definition are technical.

**Section 128** – Slope. (*new*) An inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance. [SALT 56]

**Section 129** – Snag. (*new*) A dead or dying tree that exhibits sufficient decay characteristics to enable cavity excavation or use by wildlife.

**Section 130** – Species of local importance. (*new*) Any of the following species:

- Geoduck clam and Pacific oyster;
- Dungeness crab and Pandalid shrimp;
- Red urchin;
- White sturgeon, Pacific herring, channel catfish, longfin smelt, Pacific cod, Pacific whiting, black rockfish, copper rockfish, quillback rockfish, yelloweye rockfish, lingcod, Pacific sand lance, English sole and rock sole;
- Trumpeter swan, Tundra swan, Snow goose, Band-tailed pigeon, Brant, Harlequin duck, Blue grouse, Mountain quail and Western bluebird; and
- Marten, mink, Columbian black-tailed deer, elk and mountain goat.

**Section 131** – Steep slope hazard area. (*K.C.C. 21A.06.1230*) The changes to this definition are technical. [SAO 54]

**Section 132** – Stream. (*K.C.C. 21A.06.1240*) While not changing the substance of the definition, the definition is rewritten to more concisely identify what is and is not a stream. The definition more clearly distinguishes between naturally and artificially created channels and beds and clarifies when an artificial channel or bed is defined as a stream. Finally, the stream classifications were removed from the definition and are now covered by the new water types defined in chapter 21A.24. [SAO 55]

**Section 133** – Stream scientist. (*new*) The definition of "stream scientist" defines the type of school and training needed. [SAO 56]

**Section 134** – Structural fill. (*new*) Any fill placed and graded to meet a minimum compaction requirement including a defined embankment such as a road or berm. [SALT 58]

**Section 135** – Submerged land. (*K.C.C. 21A.06.1265*) Technical change to list the types of water that may be associated with submerged land. [SALT 59]

**Section 136** – Substantial improvement. (*K.C.C. 21A.06.1270*) Revised to clarify that the cost of a substantial improvement begins when the first structural alteration commences, whether or not that first alteration affects the external dimensions of the structure. The following not considered substantial improvement:

- improvements that correct existing code violations and that are the minimum necessary to assure safe living conditions; or
- alteration of a structure listed on the national Register of Historic Places or a state or local inventory of historic resources.

The remaining changes to this section are technical.

**Section 137** – Surface water conveyance. (*new*) A drainage facility designed to collect, contain and provide for the flow of surface water from the highest point on a development site to receiving water or another discharge point, connecting any required flow control and water quality treatment facilities along the way. The elements of a surface water conveyance system include, but are not limited to, gutters, ditches, pipes, biofiltration swales and channels. [SALT 61]

**Section 138** – Surface water discharge. (*new*) The flow of surface water into receiving water or another discharge point. [SALT 62]

**Section 139** – Talus slope. (*new*) A sloped area formed by or armored with rock fragments that are relatively homogeneous size and have an average dimension between 1/2 and 6-1/2 feet. A talus slope typically occurs at the base of a steep rock slope or cliff.

**Section 140** – Terrace. (*new*) A relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes. [SALT 63]

**Section 141** – Tideland. (*new*) That portion of the land that is covered and uncovered by the ebb and flood tide. [SALT 64]

**Section 142** – Tree. (*new*) A large woody perennial plant usually with a single main stem or trunk and generally over 12 feet tall at maturity. [SALT 65]

**Section 143** – Tree, hazard. (*new*) A tree with a structural defect which, under the normal range of environmental conditions at the site, will result in the loss of a major structural component of the tree in a manner that will damage structures or roads or prevent emergency access. [SALT 42]

**Section 144** – Tributary drainage area. (*new*) The geographical area that drains to the development proposal site as identified in an off-site analysis done in accordance with the King County Surface Water Design Manual. [SALT 66]

**Section 145** – Understory. (*new*) The vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes native trees. [SALT 67]

**Section 146** – Utility corridor. (*new*) A narrow strip of land containing underground or above-ground utilities and the area necessary to maintain those utilities. A utility corridor is contained within and is a portion of any utility right-of-way or dedicated easement. [SAO 63]

**Section 147** – Utility facility. (*K.C.C. 21A.06.1350*) These are technical changes. The phrase "stormwater management facilities" is replaced with "flow control facilities," consistent with the King County Surface Water Design Manual. [SAO 64]

**Section 148** – Vactor waste. (*K.C.C. 21A.06.1352*) These are technical changes. [SAO 65]

**Section 149** – Vegetation cover types. (*new*) Vegetation cover types are:

A. Forest:
    1. Old-growth;
    2. Mature;
    3. Coniferous; and
    4. Deciduous
B. Shrub-scrub;
C. Pasture; and
D. Grassland or meadow.

**Section 150** – Volcanic hazard area. (*K.C.C. 21A.06.1370*) These are technical changes. [SAO 66]

**Section 151** – Wet meadow, grazed. (*K.C.C. 21A.06.1390*) Revisions include the requirement that the area must have been in continuous use for grazing livestock since November 27, 1990. Technical changes include defining "continuous use." [SAO 68 repeals this section; however, it is being retained]

**Section 152** – Wetland, associated. (*new*) Wetlands either wholly or partially contained within (a) 200 feet of the ordinary high water mark of any aquatic area or other wetland or (b) the channel migration zone.

**Section 153** – Wetland complex. (*new*) A wetland complex is defined as two or more wetlands close enough to each other that they are interdependent and the biological value of the complex exceeds the individual biological value of any one of the wetlands. A wetland is part of a complex if it is within 500 feet of another wetland and at least one of the wetlands in the complex exhibits either the presence of any animal species that migrates between wetlands, or the presence of wetland complex-dependent plant species such as Lodgepole pine or Western white pine.

**Section 154** – Wetland edge. (*K.C.C. 21A.06.1395*) Updates the existing reference to the state's manual for wetland delineation. [SAO 69]

**Section 155** – Wetland, forested. (*K.C.C. 21A.06.1400*) A wetland that is dominated by mature woody vegetation or wetland vegetation class that is characterized by woody vegetation at least twenty feet tall. [SAO 71]

**Section 156** – Wetland, isolated. (*K.C.C. 21A.06.1410*) The changes incorporate the new phrase "hydrologically connected." The size limitations were eliminated from the definition. [SAO 72]

**Section 157** – Wetland scientist. (*new*) In comparison with "biologist," the definition of "wetland scientist" more particularly defines the type of professional needed for doing wetlands work. Five years of relevant field work experience is required, similar to experiential requirements for professionals in the geotechnical and stream fields. As another alternative, certification as a professional wetland scientist by the Society of Wetland Scientists (which has its own proficiency requirements) is accepted. [SAO 73]

**Section 158** – Wetland. (*K.C.C. 21A.06.1415*) Technical changes include: (1) making the definition parallel to other similar definitions, (2) reorganizing the definition, (3) eliminating an unnecessary list of what might constitute a wetland, (4) moving the wetland classification standards to a new section in the critical areas chapter and (5) replacing old terms and phrases with new terms and phrases used consistently throughout this ordinance. Substantive changes include: (1) adding a provision which defines the waterward boundary of a wetland when it occurs along a shoreline as where the water's depth exceeds 6.6 feet below low water, and (2) clarifying that artificial wetlands created intentionally as mitigation sites (such as wetland mitigation banks) are defined as wetlands, even though they are artificially created. [SAO 75]

**Section 159** – Wetland vegetation class. (*new*) A wetland community classified by its vegetation including aquatic bed, emergent, forested and scrub-shrub. To constitute a separate wetland vegetation class, the vegetation must be at least partially rooted within the wetland and must occupy the uppermost stratum of a contiguous area or comprise at least 30 percent areal coverage of the entire wetland. [SAO 76]

**Section 160** – Wildlife. (*new*) This is a new definition which includes birds, fish and animals under the term "wildlife." [SALT 70]

**Section 161** – Wildlife habitat network. (*new*) Connected areas linking wildlife habitat with critical areas, critical area buffers, priority habitats, trails, parks, open space and other areas to provide for wildlife movement and alleviate habitat fragmentation. The official wildlife habitat network is defined and mapped in the King County Comprehensive Plan. The wildlife habitat network includes additional links to the official network that have been designated and protected as fish and wildlife habitat conservation areas by the department. The purpose of such links is to further connect priority habitats and potential priority habitats across the landscape to minimize fragmentation.